IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 23842 of 2007(S)

OS.196/2007 of FAMILY COURT,KOLLAM
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PETITIONER:
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1. SMITHA, D/O. XAVIER, AGED 28 YEARS,
STEPHEN LAND, NEENDAKARA P.O., KOLLAM.

2. JOSHUA MAXIMUS JOSEPH, AGED 3 YEARS,
(MINOR), STEPHEN LAND, NEENDAKARA P.O.,
KOLLAM, (MINOR REPRESENTED BY MOTHER 1ST
PETITIONER).

BY ADV. SRI.SAJJU.S

RESPONDENTS:
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1. JOSEPH MANOJ, S/O. J.B.CHRISTIE,
AGED 33 YEARS, MAGLENE, KARUMALIL ROAD,
THANGASSERY, KOLLAM.

2. JERVAS BHAI CHRISTIE, S/O. JERVAS,
AGED 65 YEARS, MAGLENE, KARUMALIL ROAD,
THANGASSERY, KOLLAM.

3. STANCY CHRISTIE, W/O. JERVAS BHAI
CHRISTIE, AGED 54 YEARS, MAGLENE, KARUMALIL ROAD,
THANGASSERY, KOLLAM.

BY ADV. SRI.P.SIVARAJ
SRI.VINOY VARGHESE KALLUMOOTTILL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.23842 /2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE ORIGINAL COPY OF THE ORDER OF THE FAMILY COURT, KOLLAM IN O.S.NO.196/2007 IN I.A.NO.1033/2007

EXT.P2. TRUE COPY OF THE ENCUMBRANCE CERTIFICATE PRODUCED BY THE 2ND RESPONDENT.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)No.23842 of 2007

Dated this the 26th day of September, 2007

JUDGMENT

Kurian Joseph,J.

The grievance is with regard to Ext.P1 order passed by the Family Court, Kollam, whereby the Family Court lifted the attachment of the properties already granted. By interim order dated 3-8-2007 we stayed the operation of Ext.P1 and clarified that the original attachment of the scheduled properties - items 1 to 3, will continue. Having extensively heard the vehement arguments of counsel on both sides, we are of the view that the interests of justice will be served if the Family Court disposes of the original suit expeditiously maintaining the interim order passed by this court. Accordingly there will be a direction to the Family Court, Kollam to dispose of O.S.No.196/2007 within a period of three months from the date of production of a copy of the judgment. The interim order passed by this court on 3-8-2007 will continue till such time.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.